

EXHIBIT D

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA
CIVIL DIVISION

STEVEN G. EAKIN,

Plaintiff,

vs.

BOROUGH OF POLK, TOWNSHIP OF
FRENCHCREEK, EDWARD SHARP, JR.,
and ALAN K. HELLER,

Defendants.

CIV No. 972 - 2019

2020 JAN 27 AM 8:56

FILED
COMMON PLEAS COURT
VENANGO COUNTY
PA

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NORTHWESTERN LEGAL SERVICES
1001 State Street
Renaissance Centre, Suite 700
Erie, PA 16501-5704
Telephone: (814) 452-6949
(800) 665-6957

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CLERK OF COURT
VENANGO COUNTY
PA

AND NOW, comes the Plaintiff, Steven G. Eakin, *pro se*, and files the within
Complaint pursuant to a Rule issued, and in support thereof states as follows:

COMPLAINT

1. Plaintiff, Steven G. Eakin, is an adult residing in Cranberry Township, Venango County, Pennsylvania.
2. Defendant, Borough of Polk, (hereinafter "Polk") is a municipality within Venango County incorporated in 1886 under the laws and statutes of the Commonwealth of Pennsylvania and maintains an address of 710 Main Street, Polk, Pennsylvania 16342.
3. Defendant, Frenchcreek Township, (hereinafter "Frenchcreek") is a municipality within Venango County incorporated in 1806 under the laws and statutes of the Commonwealth of Pennsylvania and maintains an address of 4507 Georgetown Road, Franklin, Pennsylvania 16323.
4. Defendant, Edward Sharp, Jr., (hereinafter "Sharp") is an adult individual residing at 1 West Ninth Street, Oil City, Pennsylvania 16301.

5. Defendant, Alan K. Heller, (hereinafter "Heller") is an adult individual residing at 1086 Patchel Run Road, Franklin, Pennsylvania 16323.
6. At all relevant times hereto, Sharp was engaged as the chief of the Polk Borough police department.
7. At all relevant times hereto, Heller was engaged as the sergeant of the Polk Borough police department.
8. On or about April of 2006, Polk and Frenchcreek entered into an intergovernmental cooperation agreement for the purpose of Polk to provide police-related services to Frenchcreek.
9. The April, 2006 intergovernmental cooperation agreement between the two municipalities was invalid for want of an ordinance by Frenchcreek.
10. On or about July, 2018, Polk and Frenchcreek corrected the invalid agreement by entering into a new intergovernmental cooperation agreement with corresponding, respective adopted ordinances.
11. On or about August 11, 2017, at or about 8:45 PM, Plaintiff was the subject of an unlawful traffic stop conducted by Sharp on Georgetown Road in Frenchcreek Township, Venango County, Pennsylvania.
12. Plaintiff was unlawfully detained by Sharp for nearly forty-five minutes awaiting the arrival of Heller.
13. Plaintiff was further unlawfully detained by Heller for another forty-five minutes.
14. Plaintiff was unlawfully placed in handcuffs and transported by Heller to UPMC Northwest located in Seneca, Pennsylvania.

15. Under threat of sanctions, Heller demanded blood be drawn from Plaintiff's body.

16. On or about September, 2017, Heller filed criminal charges against Plaintiff for driving under the influence as a result of the unlawful traffic stop on August 11, 2017.

17. At all relevant times hereto, Polk, Sharp and Heller lacked the lawful authority to conduct police activities in Frenchcreek Township.

18. At all relevant times hereto, Defendants knew, or should have known, the intergovernmental cooperation agreement of April, 2006 was invalid and unenforceable as a matter of law.

19. On or about October 18, 2017, contrary to local rule V.C.R.Crim.P. 131.1(F) of the Court of Common Pleas of Venango County, Pennsylvania, Defendants Sharp and Heller caused or participated in an accelerated preliminary hearing to be held prior to 9:00 A.M.

20. As a result of the actions of Sharp and Heller on October 18, 2017, Plaintiff was incarcerated for a period of two (2) days.

21. On or about December of 2017 Defendants were placed on notice of the invalid April, 2006 intergovernmental cooperation agreement.

22. Plaintiff endured a public trial on February 14-15, 2019 resulting in a guilty verdict for one count of driving under the influence.

23. Plaintiff was sentenced to a period of incarceration of eight to twenty-four months, less one day, plus a fine of \$1,500, plus costs.

24. An appeal of Plaintiff's conviction is pending before the Pennsylvania Superior Court.

25. As a result of an alleged violation of Plaintiff's post-verdict bail conditions, Plaintiff was incarcerated in the Venango County Jail from July 11 – September 14, 2019.

26. The event set forth in paragraph number 25 hereinabove would not have occurred if the Defendants would have acknowledged their lack of lawful authority on and subsequent to August 11, 2017 to stop, detain, arrest and prosecute the Plaintiff.

27. As a direct or proximate cause of the illegal actions of Defendants, Plaintiff has suffered a loss of income of \$13,320.00.

28. As a direct or proximate cause of the illegal actions of Defendants, Plaintiff has suffered a financial loss of more than \$1,000.00 in costs and expenses.

29. As a direct or proximate cause of the illegal actions of Defendants, Plaintiff lost his liberty by being incarcerated in a jail facility for seventy-two (72) days.

FIRST COUNT AND CAUSE OF ACTION

30. Paragraphs 1-29, inclusive, are hereby incorporated herein as though fully set forth at length herein.

31. The actions of Defendants violated Plaintiff's rights afforded under the 4th and 14th Amendments to the United States Constitution by unlawfully stopping, searching, detaining, arresting and prosecuting Plaintiff when Defendants lacked lawful authority to do so.

32. As a direct or proximate cause of Defendants' actions, Plaintiff has suffered and will continue to suffer public humiliation and embarrassment, anxiety, mental anguish and financial loss.

WHEREFORE, Plaintiff demands judgment in his favor and against the Defendants in an amount in excess of Thirty-Five Thousand (\$35,000) Dollars.

JURY TRIAL DEMANDED.

SECOND COUNT AND CAUSE OF ACTION

33. Paragraphs 1-32, inclusive, are hereby incorporated herein as though fully set forth at length herein.

34. The actions of Defendants violated Plaintiff's rights afforded under Article 1, Section 8 of the Pennsylvania Constitution by unlawfully stopping, searching, detaining, arresting and prosecuting Plaintiff when Defendants lacked lawful authority to do so.

35. As a direct or proximate cause of Defendants' actions, Plaintiff has suffered and will continue to suffer public humiliation and embarrassment, anxiety, mental anguish and financial loss.

WHEREFORE, Plaintiff demands judgment in his favor and against the Defendants in an amount in excess of Thirty-Five Thousand (\$35,000) Dollars.

JURY TRIAL DEMANDED.

THIRD COUNT AND CAUSE OF ACTION

36. Paragraphs 1-35, inclusive, are hereby incorporated herein as though fully set forth at length herein.

37. On October 18, 2017, Defendants Sharp and Heller engaged in a scheme to officially oppress Plaintiff's right to a preliminary hearing by accelerating the holding of a preliminary hearing in Plaintiff's absence before 9:00 A.M. which is the time prescribed by local rule V.C.R.Crim.P. 131.1(F) for hearing cases to commence.

38. As a direct or proximate cause of Defendant Sharp's and Heller's act of official oppression, Plaintiff was incarcerated on October 18, 2017, resulting in the loss of liberty for two days.

39. As a direct or proximate cause of Defendants' actions, Plaintiff has suffered and will continue to suffer public humiliation and embarrassment, anxiety, mental anguish and financial loss.

WHEREFORE, Plaintiff demands judgment in his favor and against the Defendants in an amount in excess of Thirty-Five Thousand (\$35,000) Dollars.

JURY TRIAL DEMANDED.

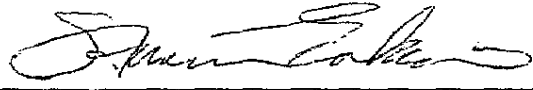
Respectfully submitted,



Steven G. Eakin, Plaintiff, *pro se*
563 Bucktail Road
Franklin, PA 16323
Phone: (814) 673-2083

VERIFICATION

I, the undersigned, hereby verify the information contained in the foregoing Complaint is true and correct to the best of my information, knowledge and belief. I understand these statements are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Steven G. Eakin

Dated: January 27, 2020

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint has been transmitted to the following parties by United States Mail, first class on Monday, January 27, 2020:

Borough of Polk
710 Main Street
Polk, PA 16342

Township of Frenchcreek
4507 Georgetown Road
Franklin, PA 16323

Edward Sharp, Jr.
1 West 9th Street
Oil City, PA 16301

Alan K. Heller
1086 Patchel Run Road
Franklin, PA 16323

Nicole C. Freiler, Esq.
BURNS WHITE, LLC
100 Four Falls, Suite 515
1001 Conshohocken State Road
West Conshohocken, PA 19428



Steven G. Eakin

Dated: January 27, 2020